

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Ohio Coal Association, et al.,

and

Murray Energy Corporation, et al.,

Plaintiffs,

v.

**Thomas E. Perez, Secretary of Labor, and
the Mine Safety and Health
Administration,**

Defendants.

Case No. 2:14-cv-2646

Related Case: 2:15-cv-448

Judge Graham

Magistrate Judge Deavers

PLAINTIFFS' MOTION TO DROP PARTIES AND NOTICE OF WITHDRAWAL

Pursuant to Federal Rule of Civil Procedure 21, Plaintiffs Ohio Coal Association, Kentucky Coal Association, National Mining Association, National Stone, Sand and Gravel Association, Portland Cement Association, Murray Energy Corporation, American Energy Corporation, Ohio American Energy, Incorporated, and The Ohio Valley Coal Company (collectively, "Plaintiffs"), by and through their attorneys, hereby jointly file their Motion to Drop Parties and Notice of Withdrawal. In support of their Motion, Plaintiffs state as follows:

1. National Mining Association, National Stone, Sand and Gravel Association, and Portland Cement Association wish to withdraw from this matter, and hereby voluntarily dismiss their pending claims. Accordingly, Plaintiffs respectfully request that the Court – pursuant to Federal Rule 21 – dismiss National Mining Association, National Stone, Sand and Gravel Association, and Portland Cement Association from this matter. *See, e.g., Warfel v. Chase Bank*

USA, N.A., No. 2:11-cv-699, 2012 U.S. Dist. LEXIS 17037 (S.D. Ohio Feb. 10, 2012) (noting that Rule 21 is proper procedural vehicle to dismiss individual claims or parties); *Crozin v. Crown Appraisal Group, Inc.*, No. 2:10-cv-581, 2012 U.S. Dist. LEXIS 876 (S.D. Ohio Jan. 4, 2012) (same).

2. In connection with these parties' withdrawal from the case, Henry Chajet, Avi Meyerstein, and Husch Blackwell LLP hereby withdraw from their representation of any parties in this matter pursuant to S.D. Ohio Civ.R. 83.4(d).

3. Ohio Coal Association and Kentucky Coal Association will remain in the lawsuit in Case No. 2:14-cv-2646, represented by Vladimir Belo of Dinsmore and Shohl LLP. Murray Energy Corporation, American Energy Corporation, Ohio American Energy, Incorporated, and The Ohio Valley Coal Company will remain Plaintiffs in Case No. 2:15-cv-448, represented by their counsel of record.

4. This matter will not be unduly delayed, nor any party unduly prejudiced, by the relief requested in this Motion or by the withdrawal of Henry Chajet, Avi Meyerstein, and Husch Blackwell LLP

WHEREFORE, Plaintiffs respectfully request pursuant to Fed. R. Civ. P. 21 that the Court dismiss National Mining Association, National Stone, Sand and Gravel Association, and Portland Cement Association from this matter.

Respectfully submitted,

/s/ Vladimir P. Belo

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s/Henry Chajet by s/Vladimir P. Belo per
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Certificate of Service

A true and accurate copy of the foregoing was electronically filed on March 22, 2019 via the Court's ECF filing system, which automatically serves notice on all counsel of record.

/s/ Vladimir P. Belo
Vladimir P. Belo